

CITY COUNCIL RESO NO. _____
TENTATIVE MAP NO. 80580
FASHION WALK - PROJECT NO. 4301
DRAFT

WHEREAS, AMERICAN PROPERTY ENTERPRISES, Applicant AND LEPPERT ENGINEERING CORPORATION, submitted an application with the City of San Diego for a Vesting Tentative Parcel Map (VTPM) No. 80580 located northerly of Friars Road and westerly of Ulric Street, and described as Lots 1 and 2 of Fashion Ridge, Map No. 11871 and portions of Lots 3 and 5 in Pueblo Lot 1174, in the CO-1-2 Zone; and

WHEREAS, the Map proposes the subdivision of a 9.991-acre site into 2 lots, Lot 1 will be developed with residential condominiums and Lot 2 will remain undeveloped; and

WHEREAS, Mitigated Negative Declaration No. 4301; and

WHEREAS, on August 3, 2004, the City Council of the City of San Diego considered Tentative Map No. 80580, and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. **80580**:

1. The map proposes the subdivision of a 9.991-acre site into 2 lots. Lot 1 will be developed with residential condominiums and Lot 2 will be undeveloped. This type of development is consistent with the General Plan and the Linda Vista Community Plan, which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.
2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the CO zone in that:
 - a. The lots have minimum frontage on dedicated streets which is open to and usable by vehicular traffic, as allowed under a Planned Commercial Development (PCD)/Resource Protection Ordinance (RPO) Permit.
 - b. The lots meet the minimum dimension requirements of the PCD/RPO.

- c. The lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a PCD/RPO.
 - d. Development of the site is controlled by PCD Permit No. 80170 and RPO Permit No. 80579.
- 3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating or cooling opportunities.
 - 4. The site is physically suitable for residential and commercial development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.
 - 5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential/commercial uses.
 - 6. The design of the subdivision or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 99-1356 which is included herein by this reference
 - 7. The design of the subdivision and the type of improvements will not likely cause serious public health problems, in as much as needed public services and facilities are available/or required by condition of this map to provide for water and sewage facilities, as well as other related public services.
 - 8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision, as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.
 - 9. The Planning Commission has reviewed the adapted Housing Element, the Progress Guide, and the General Plan of the City of San Diego and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with the financing and environmental policies of the City Council.
 - 10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the City Council, Fashion Walk VTPM No. 80580, Project No. 4301, is hereby APPROVED, subject to the following conditions:

1. This tentative map will expire August 3, 2007.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within 90 days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
4. The final map shall conform to the provisions of PCD Permit No. 80170 and RPO Permit No. 80579.
5. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

6. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
7. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
8. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
9. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
10. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

FOR INFORMATION:

- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Linda Vista Community Plan area.
- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

PASSED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON AUGUST 3, 2004,
BY A VOTE OF _____.